

**BOARD OF ENVIRONMENTAL PROTECTION  
Meeting Minutes**

October 21, 2004

A meeting of the Board of Environmental Protection was held on Thursday, October 21, 2004, at the Black Bear Inn in Orono, Maine. Virginia Plummer, Acting Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

**Board:** Ernest Hilton, Nancy Anderson, Irving Faunce, Donald Guimond, Virginia Plummer, Jean T. Wilkinson, Nancy Ziegler and Matt Scott

**Board** Richard Wardwell was absent

<b><u>Staff:</u></b>	Bureau of Remediation and Waste Management	Cyndi Darling
	Bureau of Remediation and Waste Management	Paula Clark

**Others:** Deborah Garrett, Office of the Commissioner  
Jan McClintock, Assistant Attorney General  
Cynthia Bertocci, Executive Analyst  
Terry Hanson, Administrative Assistant

***(Meeting adjourned at approximately 5:00 p.m.)***

**I. DEPARTMENTAL**

**A. COMMISSIONER'S COMMENTS:** Deborah Garrett, Office of the Commissioner reported the following:

Budget: The US Environmental Protection granted Maine 10.2 million dollars in funding for wastewater construction projects. The Department will pursue a bond package next year to obtain matching funds needed to tap additional federal dollars in coming years.

In Congress, a wind power tax credit package was finalized. This will allow for the Evergreen wind power project in Maine to move forward.

Additionally, revenue projections show the structural gap predicted for next biennium is a bit smaller than earlier projected. However, the numbers are still in the area of 700 million dollars.

Press: The Department initiated a "school clean-out program" using leftover funds from other projects. The Department was able to work with approximately 80-schools before the funding ran out. Mercury and hazardous chemicals were removed from those 80 schools. This initiative may be featured on a regularly televised NBC nightly news broadcast, highlighting what was accomplished with a shoe string budget.

**B. CHAIRMAN'S COMMENTS:** None

**C. EXECUTIVE ANALYST COMMENTS:** None

**D. BOARD CALENDAR:** Reviewed

**E. DEPARTMENTAL ORDERS:** Reviewed

**F. EXECUTIVE SESSION:** None

**II. CONSENT AGENDA ITEMS**

The Board voted (7-0-0-2) to approve as presented, agenda items 1, 2, 3, and 4 as follows:

1. S.D.R. LOGGING, INC., Milo – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
2. SHEPARD BROTHERS, SHEPARD SALES INC., and SHEPARD CHEVROLET, INC., THOMASTON – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
3. RIVERSIDE LANE CORPORATION, Bangor – Administrative Consent Agreement (BRWM)
4. J.S. MCCARTHY CO., INC., Augusta – Administrative Consent Agreement and Enforcement Order (BRWM)

*Board members Ernest Hilton, Nancy Anderson, Donald Guimond, Virginia Plummer, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board members Richard Wardwell and Irving Faunce were absent.*

### III. Regular Agenda

1. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (appeal by We The People and Paul Schroeder)

Staff: Paula Clark and Cyndi Darling, Bureau of Remediation and Waste Management

The Board voted (7-1-0-1) on a motion to dismiss the appeal by We the People and Paul Schroeder and affirm the Commissioner's decision in Department Order S-020700-WD-N-A with the following corrections to the Board Order.

On page 18 finding 2K Civil/Criminal Record, paragraph 2: "...06-096 CMR Chapter 2.19.B(2) specifies the following criteria for determination of rehabilitation:" Change "2.19(B)(2)" to "400.12".

On page 40 finding 2T Waste Compatibility with Landfill Design and Other Wastes, paragraph 1: *"If the percentage is high (60 percent is the highest mixture to be tested) then the environmental impacts of mixing will be reduced but the risks that the landfill will be unstable and fail, and therefore impact surface water, are substantially increased, above."* Strike ",above".

The vote was taken pursuant to 38 M.R.S.A. Sections 341-D(4) and 1301 et seq., and 06-096 CMR Chapters 2, 400, 401 and 405.

*Board members Nancy Anderson, Irving Faunce, Donald Guimond, Virginia Plummer, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Ernest Hilton voted opposed. Board member Richard Wardwell was absent.*

*Next Regular Board Meeting, Thursday, November 4, 2004 – Holiday Inn / Ground Round, Augusta*

**BOARD OF ENVIRONMENTAL PROTECTION**  
Black Bear Inn / Orono Maine at 09:00 a.m.  
October 21, 2004

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**I. DEPARTMENTAL**

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders
- F. Executive Session

**II. CONSENT AGENDA ITEMS**

- 005 1. S.D.R. LOGGING, INC., Milo – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 009 2. SHEPARD BROTHERS, SHEPARD SALES INC., AND SHEPARD CHEVROLET, INC., Thomaston – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
- 013 3. RIVERSIDE LANE CORPORATION, Bangor - Administrative Consent Agreement (BRWM)
- 019 4. J.S. McCARTHY CO., INC., Augusta – Administrative Consent Agreement and Enforcement Order (BRWM)

**III. REGULAR AGENDA ITEMS**

- 029 1. STATE PLANNING OFFICE / WEST OLD TOWN LANDFILL (appeal by We The People and Paul Schroeder)  
Staff: Cyndi Darline, Bureau of Remediation and Waste Management